

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 10-R-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ORDERING  
THE PUBLICATION OF A NOTICE AND SETTING A HEARING FOR  
CONSIDERATION OF AN ORDINANCE PROPOSING ADOPTION BY  
REFERENCE OF THE MEDICAL MARIJUANA PRIMARY CAREGIVER  
LICENSING REVISIONS TO THE TOWN OF FREDERICK LAND USE CODE,  
2004 AND TOWN OF FREDERICK MUNICIPAL CODE, 1992; AMENDING  
CERTAIN SECTIONS OF THE RESPECTIVE CODES IN CONNECTION  
THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT  
THEREWITH.**

**WHEREAS**, on September 28, 2010, the Board of Trustees for the Town of Frederick, Colorado was presented with an Ordinance proposing the adoption of several new sections and amendment of several existing sections of the Town of Frederick Land Use Code, 2004 and Municipal Code, 1992 through an adoption by reference; and

**WHEREAS**, the Town is authorized by Part 2 of Article 16 of Title 31, C.R.S. to adopt principal codes by reference; and

**WHEREAS**, the Town is required to introduce the codes to be adopted by reference at a meeting of the Board of Trustees and after such introduction schedule a public hearing thereon; and

**WHEREAS**, after introduction of the matter to the Board on September 28, 2010, a motion was made and passed to set a public hearing to consider adoption of the proposed ordinance and to direct the Town Clerk to publish notice of the hearing in a newspaper of general circulation in the Town of Frederick at least 15 days, and again at least 8 days, preceding the hearing.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** There is hereby introduced an ordinance providing for the adoption of the *Medical Marijuana Primary Caregiver Licensing Revisions* by reference as an amendment to the *Town of Frederick Land Use Code, 2004* and *Town of Frederick Municipal Code, 1992* regarding regulation of uses and standards of land use practice and procedure, and business licensing and operation within the Town of Frederick.

**Section 2.** A public hearing on the adoption of the *Medical Marijuana Primary Caregiver Licensing Revisions* shall be conducted by the Board of Trustees at their regularly scheduled meeting to be held October 12, 2010, at 7:00 P.M., in the Frederick Town Hall, 401 Locust Street, Frederick, Colorado 80530.

**Section 3.** The Town Clerk is hereby directed to cause to be published and posted a notice of said public hearing in the manner prescribed by C.R.S. § 31-16-203.

**Section 4. Effective Date.** This resolution shall become effective immediately upon adoption.

**Section 5. Repealer.** All resolutions or parts thereof in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

**Section 6. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 28<sup>th</sup> DAY OF SEPTEMBER, 2010.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

By \_\_\_\_\_  
Eric E. Doering, Mayor

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
CERTAIN SECTIONS OF THE TOWN OF FREDERICK LAND USE CODE  
AND MUNICIPAL CODE THROUGH THE ADOPTION BY REFERENCE OF  
THE MEDICAL MARIJUANA PRIMARY CAREGIVER LICENSING  
REVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT  
THEREWITH.**

**WHEREAS**, Title 31, Article 16, Section 200 *et seq.* of the Colorado Revised Statutes provides that any primary code may be directly adopted by reference upon notice and a public hearing, wherein identification of the nature and purpose of such code, as well as the manner in which it may be obtained, are provided; thereafter, such code may be amended in the same manner or amended by an ordinance that sets forth the entire text of said amendment; and

**WHEREAS**, it is the intent of the Board of Trustees to amend the Town of Frederick Land Use Code, 2004 (“Land Use Code”) and Town of Frederick Municipal Code, 1992 (“Municipal Code”) in order to make those Codes consistent with Town practices, repeal inapplicable and remnant provisions, and to clarify and improve public understanding of permitted land uses and business operations within the Town; and

**WHEREAS**, the Board of Trustees has posted publicly the Medical Marijuana Primary Caregiver Licensing Revisions to the Land Use Code and Municipal Code at the principal offices of the Town of Frederick, located at 401 Locust Ave, Frederick, Colorado;

**WHEREAS**, the Frederick Planning Commission considered and approved that portion of the Medical Marijuana Primary Caregiver Licensing Revisions with respect to the Land Use Code at a public meeting held on October \_\_, 2010, adopting Planning Commission Resolution \_\_\_\_\_.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Section 3.4 (Matrix of Permitted, Conditional, and Special Uses by Zoning District), Land Use Code, including Tables 3-1 (Table of Permitted Uses) and 3-2, is hereby amended and readopted in revised form.

**Section 2.** Chapter 6, Municipal Code, is hereby amended by adoption of a new Article IV (Primary Caregiver Licensing) including Sections 6-80 through 6-100.

**Section 3.** The Medical Marijuana Primary Caregiver Licensing Revisions to the Land Use Code and Municipal Code, as has been provided in its entirety to the Board of Trustees, pursuant to C.R.S. § 31-16-107, and as available in the office of the Town Clerk and elsewhere at the principal offices of the Town of Frederick, located at 401 Locust Ave,

**DRAFT ORDINANCE – PUBLIC HEARING MUST OCCUR PRIOR TO ENACTMENT**

Frederick, Colorado, is hereby adopted by reference and the Land Use Code and Municipal Code are deemed hereby amended consistent with such adoption.

**Section 4. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

**Section 6. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED**  
**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

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Eric E. Doering, Mayor